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Before the
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D. C. 20554

In the matter of)
)
Amendment of Section 73.202(b)) RM- _____
Table of Assignments)
FM Broadcast Stations)
(Sauk Rapids and Olivia, Minnesota))

To: Chief, Allocations Branch

PETITION FOR RULE MAKING

Tri-County Broadcasting, Inc. ("Tri-County") hereby respectfully submits the instant Petition for Rule Making to amend the Commission's FM Table of Allotments to substitute Channel 269C2 for Channel 269A at Sauk Rapids, Minnesota, and to modify the license of Tri-County for operation of WHMH (FM), Sauk Rapids, Minnesota for operation on the upgraded channel. In support whereof, the following is shown:

1. Tri-County is the licensee of WHMH (FM), Sauk Rapids, Minnesota, and is presently authorized full 6 KW ERP class-A facilities on allocated channel 269A at Sauk Rapids. The current class-A operation is short-spaced by 4.3 KM to co-channel KOLV, Olivia, Minnesota. Because of this, there is a "class-A upgrade agreement" in effect between WHMH and KOLV so both can operate at 6 KW ERP or equivalent facilities.

2. As demonstrated in the Engineering Exhibit attached hereto, the instant Petition proposal will eliminate the existing short-spacing and allow WHMH to upgrade to class C2 facilities, providing Sauk Rapids its first wide-area coverage station. There are no other FM stations allocated to Sauk Rapids.

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3. The substitution of Channel 269C2 for Channel 269A at Sauk Rapids is mutually exclusive with the use of Channel 269A by KOLV (FM) at Olivia, Minnesota. Channel 261A is available for use at Olivia, at the current KOLV transmitter site. Substitution of Channel 261A for Channel 269A will result in a fully-spaced allocation for Olivia and will require only a frequency change at KOLV. KOLV operates on the only FM channel allocated to Olivia. Tri County hereby agrees to reimburse all reasonable costs of relocating KOLV to Channel 261A.

4. Channel 269C2 would be short-spaced to three existing stations at the current WHMH transmitter site. Therefore, a fully-spaced reference point¹ is proposed, located approximately 10 kilometers southwest of Sauk Rapids. This reference point is in full compliance with 47 CFR 73.207 and other requirements.

5. Since the proposed substitution would relieve an existing short-spacing between WHMH and KOLV, and since the proposed upgrade to WHMH would provide Sauk Rapids its first wide-area coverage station, the instant proposal would be in the public interest. Tri-County will immediately file the required FCC form 301 for authority to construct the Channel 269C2 facility upon grant of this Petition.

WHEREFORE, the foregoing considered, Tri-County respectfully requests that the Commission GRANT the instant petition, and AMEND the FM Table of Allotments as shown below, and MODIFY the license of WHMH to permit operation on channel 269C2 at Sauk Rapids, Minnesota, and MODIFY the license of KOLV to permit operation on channel 261A at Olivia, Minnesota.

¹ Proposed reference point is 45° 32' 00"N - 94° 17' 00"W.

Community

Sauk Rapids, MN
Olivia, MN

Present

269A
269A

Proposed

269C2
261A

Respectfully submitted,

Tri-County Broadcasting, Inc.

The information contained herein is true and correct to the best of my knowledge, information, and belief, and the intent of submission is to accomplish the station upgrade as outlined in the Petition.

By: Herbert M. Hoppe
Herbert M. Hoppe, President

Tri-County Broadcasting, Inc.
P. O. Box 366
Sauk Rapids, MN 56379

(612) 252-6200

December 30, 1993

**ENGINEERING EXHIBIT FOR
TRI-COUNTY BROADCASTING, INC.
W H M H (F M)
SAUK RAPIDS, MINNESOTA**

This engineering exhibit was prepared in support of a Petition for Rulemaking being filed by Tri-County Broadcasting, Inc. ("Tri-County"), licensee of WHMH, Sauk Rapids, Minnesota, to amend 47 CFR 73.202(b) as follows:

Presently, Sauk Rapids, Minnesota is allocated FM channel 269A. Tri-County proposes that channel 269C2 be substituted for channel 269A at Sauk Rapids, and that the license of WHMH be modified to specify operation on channel 269C2 rather than 269A. Tri-County will file FCC form 301 reflecting this change as soon as the allocation is modified.

The proposed channel substitution at Sauk Rapids requires that the allotment of channel 269A at Olivia, Minnesota also be changed. Channel 261A is available for use at Olivia at the currently licensed transmitter site of KOLV, the station operating on the Olivia allotment. KOLV has an outstanding construction permit authorizing a slightly different transmitter site, and channel 261A is in full compliance with 47 CFR 73.207 from the site authorized in the construction permit.

The currently authorized facilities of WHMH and KOLV are short-spaced to each other by 4.3 kilometers. The instant proposal will result in the elimination of that short-spacing, which is in the public interest. Furthermore, the channel upgrade at WHMH will result in Sauk Rapids having its first wide area coverage station.

The current WHMH transmitter site would be short-spaced to three stations if used for the proposed channel 269C2 allotment. Therefore, the petitioner is proposing a different fully-spaced reference point for the Sauk Rapids channel:

45° 32' 00"N - 94°17' 00"W

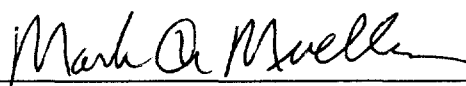
The attached tabulation illustrates the spacing situation for both the channel 269C2 allocation at Sauk Rapids, plus the channel 261A allocation at Olivia. Both are in full compliance with the relevant provisions of 47 CFR 73.207.

| <u>Community of License</u> | <u>Present</u> | <u>Proposed</u> |
|------------------------------------|-----------------------|------------------------|
| Sauk Rapids, Minnesota | 269A | 269C2 |
| Olivia, Minnesota | 269A | 261A |

It is respectfully submitted that the substitution of channels as outlined herein is in the public interest and will result in a more efficient distribution of allocations, eliminate an existing short-spacing, and expand broadcast service to the public.

This engineering exhibit was prepared by me and is true and correct to the best of my knowledge and belief.

December 27, 1993



Mark A. Mueller

Mueller Broadcast Design613 S. LaGrange Rd
LaGrange, IL 60525**TABLE E-1**FM Channel Search for: **WHMH, Sauk Rapids, Minnesota**
Coordinates used: **45-32- 0/ 94-17- 0**NOTE: All distances are in Kilometers. Any stations which
clear by more than 100 KM are not included in list.

| <u>Study for channel 269-C2 (101.7MHz)</u> | | | | <u>-----Spacing-----</u> | | |
|---|------------------|----------------------|--------------|--------------------------|------------|------------------|
| <u>CH#</u> | <u>Call File</u> | <u>Location</u> | <u>Class</u> | <u>Actual</u> | <u>FCC</u> | <u>Clearance</u> |
| 215 (90.9 MHz) | | | | | | |
| | K215BL LIC | Alexandria | MN D | 91.3 | 0 | 91.3 @ 295.7° |
| 216 (91.1 MHz) | | | | | | |
| | KNOWFM LIC | Minneapolis-St. | MN C | 103.9 | 35 | 68.9 @ 119.9° |
| 266 (101.1 MHz) | | | | | | |
| | | (none within 100 KM) | | | | |
| 267 (101.3 MHz) | | | | | | |
| | KDWBFM LIC | Richfield | MN C | 105.1 | 105 | 0.1 @ 119.0° |
| 268 (101.5 MHz) | | | | | | |
| | KTCFFM LIC | Crosby | MN C3 | 117.4 | 117 | 0.4 @ 12.5° |
| | KCGNFM LIC | Ortonville | MN C | 216.3 | 188 | 28.3 @ 266.3° |
| 269 (101.7 MHz) | | | | | | |
| | K269BB LIC | Brainerd | MN D | 91.1 | 0 | 91.1 @ 3.8° |
| | KOLV LIC | Olivia | MN A | 99.4 | 166 | To Channel 261A |
| | KOLV CP | Olivia | MN A | 99.5 | 166 | To Channel 261A |
| | KRCH LIC | Rochester | MN C2 | 201.7 | 190 | 11.7 @ 140.8° |
| 270 (101.9 MHz) | | | | | | |
| | | (none within 100 KM) | | | | |
| 271 (102.1 MHz) | | | | | | |
| | KEEYFM LIC | St. Paul | MN C | 105.1 | 105 | 0.1 @ 119.8° |
| 272 (102.3 MHz) | | | | | | |
| | | (none within 100 KM) | | | | |

This channel can be used by a class C2 station.
WHMH excluded from this study.
KOLV assumed moved to channel 261A.

TABLE E-2

FM Channel Search for: **KOLV, Olivia, Minnesota**
Coordinates used: **44-45-51/ 94-55-45**

NOTE: All distances are in Kilometers. Any stations which
clear by more than 100 KM are not included in list.

| <u>Study for channel 261-A (100.1MHz)</u> | | | | <u>-----Spacing-----</u> | | | |
|--|---------------|-------------|----------------------|--------------------------|---------------|------------|------------------|
| <u>CH#</u> | <u>Call</u> | <u>File</u> | <u>Location</u> | <u>Class</u> | <u>Actual</u> | <u>FCC</u> | <u>Clearance</u> |
| 207 | (89.3 MHz) | | | | | | |
| | | | (none within 100 KM) | | | | |
| 208 | (89.5 MHz) | | | | | | |
| | | | (none within 100 KM) | | | | |
| 258 | (99.5 MHz) | | | | | | |
| | KSJN | LIC | Minneapolis | MN C | 146.2 | 95 | 51.2 @ 76.4° |
| 259 | (99.7 MHz) | | | | | | |
| | KKCK | LIC | Marshall | MN C1 | 122.7 | 75 | 47.7 @ 244.5° |
| 260 | (99.9 MHz) | | | | | | |
| | KAUSFM | LIC | Austin | MN C1 | 190.0 | 133 | 57.0 @ 131.1° |
| 261 | (100.1 MHz) | | | | | | |
| | KEMB | CP | Emmetsburg | IA A | 194.2 | 115 | 79.2 @ 174.4° |
| | | ADD | Pequot Lakes | MN A | 210.0 | 115 | 95.0 @ 13.1° |
| | KTIG | LIC | Pequot Lakes | MN A | 209.8 | 115 | 94.8 @ 12.9° |
| 262 | (100.3 MHz) | | | | | | |
| | WBOBFM | LIC | Minneapolis | MN C1 | 136.9 | 133 | 3.9 @ 61.7° |
| | WBOBFM | CP | Minneapolis | MN C1 | 146.2 | 133 | 13.2 @ 76.4° |
| | | VAC | Sibley | IA A | 164.9 | 72 | 92.9 @ 203.6° |
| 263 | (100.5 MHz) | | | | | | |
| | KXAC | LIC | St. James | MN C2 | 102.2 | 55 | 47.2 @ 165.1° |
| 264 | (100.7 MHz) | | | | | | |
| | KIKVFM | LIC | Alexandria | MN C1 | 103.5 | 75 | 28.5 @ 350.9° |

This channel can be used by a class-A station.

CERTIFICATE OF SERVICE

I, Herbert M. Hoppe, President of Tri-County Broadcasting, Inc., hereby certify that I have caused to be served, this 30th of December, 1993, a copy of the foregoing "Petition for Rule Making" via Federal Express Corporation Mail on the following:

George S. Blum, President
Olivia Broadcast Company
907 West Lincoln, Hwy. 212
Lincoln Arcade
P.O.Box 6
Olivia, MN 56277

By: Herbert M. Hoppe
Herbert M. Hoppe, President